

REMARKS

This responds to the Office Action mailed on March 9, 2007. By this office action, claims 1, 2, 4, 15-17, 22 and 29 were amended and claims 6, 7, 18-20 and 23-28 were canceled. No claims have been added. As a result, claims 1-5, 8, 15-17, 22 and 29 are now pending in this application. Reconsideration of this application in view of the above amendments and the following remarks is requested. An early allowance is also requested.

Allowable Subject Matter

In the Office Action of February 6, 2007, claim 7 was objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 depended indirectly from independent claim 1. The intervening claims included claim 6. In this office action Applicant has amended independent claim 1 by incorporating the recitations of claims 6 and 7. This places claim 1 in allowable form since it now meets the requirements of an independent claim that includes all the limitations of the base claim (1) and the intervening claim (6). This also makes claim 7 redundant and so therefore it has been canceled.

Claim 1 is now in allowable form and all the claims that remain depend from claim 1 either directly or indirectly. Accordingly, all the remaining claims 2, 3, 5, 8, 15-17, 22 and 29 are now in allowable form and the various rejections are overcome.

§112 Rejection of the Claims

A. Rejection: Claims 2, 15, 18-20, and 23-29 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

B. Response: In this response, claims 18-20 and 23-28 were canceled thereby obviating the rejection of these claims under 35 USC § 112, first paragraph.

Claim 2 has been amended to recite that "... the features for contacting a ground plane are associated with a secondary side of the device under test." The primary side and the secondary side are shown in FIG. 5 and discussed at the bottom of page 7 of the application as filed. In addition, the concept of the primary side and the secondary side are also in the claims as originally filed (see claim 9 as originally filed for example).

Claim 15 has been amended to recite a first plane and a second plane and that the features for contacting a ground plane are in the first plane and the free end is in the second plane. The other recitations of claim 15 have been canceled from claim 15.

Claim 29 recites a cylindrical portion that surrounds the probe. FIG. 3 shows several cylindrical portions surrounding the probe 230.

C. Rejection: Claims 2, 15-20, and 22-29 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

D. Response: In this response, claims 18-20 and 23-28 were canceled thereby obviating the rejection of these claims under 35 USC § 112, second paragraph.

The amendments to claims 2, 15, and 29 now overcome the Examiner's rejection rejected under 35 USC § 112, second paragraph. Claims 16 and 17 depend from claim 15 and did not appear to have any indefiniteness problems.

§102 Rejection of the Claims

A. Rejection: Claims 1 and 6 were rejected under 35 USC § 102(e) as being anticipated by Novak et al. (U.S. 6,538,461).

B. Response: Claim 1 has been amended to an allowable form, as explained above. As a result, the rejection of claim 1 under 35 USC § 102(e) as being anticipated by Novak et al. (U.S. 6,538,461) is now overcome.

Claim 6 has been canceled by this amendment thereby obviating the Examiner's rejection of this claim under 35 USC § 102(e) as being anticipated by Novak et al. (U.S. 6,538,461).

C. Rejection: Claims 1 was rejected under 35 USC § 102(b) as being anticipated by Plante (U.S. 4,912,400).

D. Response: Claim 1 has been amended to an allowable form, as explained above. As a result, the rejection of claim 1 under 35 USC § 102(b) as being anticipated by Plante (U.S. 4,912,400) is now overcome.

E. Rejection: Claims 1, 3-6, and 23-25 were rejected under 35 USC § 102(e) as being anticipated by McClure et al. (U.S. 6,717,425).

F. Response: Claim 1 has been amended to an allowable form, as explained above. As a result, the rejection of claim 1 under 35 USC § 102(e) as being anticipated by McClure et al. (U.S. 6,717,425) is now overcome. Claims 3-5 depend from claim 1 and include the recitations of claim 1 by their dependency. Therefore, claims 3-5 now also overcome the Examiner's rejection under 35 USC § 102(e) as being anticipated by McClure et al. (U.S. 6,717,425).

Claims 23-25 have been canceled by this amendment thereby obviating the Examiner's rejection of this claim under 35 USC § 102(e) as being anticipated by McClure et al. (U.S. 6,717,425).

Allowable Subject Matter

Claim 7 was objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has been amended to include the recitations of claim 7 and claim 6 and is therefore in allowable form of the objected to claim 7.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6977 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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5/9/07

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9th day of May 2007.

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